

NORTH DAKOTA STATE UNIVERSITY
STAFF SENATE MEETING MINUTES

February 2, 2011

Memorial Union, Great Room

Staff Senate meeting minutes are archived on our Web site
at: http://www.ndsu.edu/staff_senate/meeting_information/meeting_minutes/

Upcoming Staff Senate Meetings:

March 2, 2011	9:30 – 11:00 a.m.	Great Room, MU
April 6, 2011	9:30 – 11:00 a.m.	Great Room, MU
May 4, 2011	9:30 – 11:00 a.m.	Great Room, MU

Upcoming Executive Committee Meetings:

February 16, 2011	9:30 – 11:00 a.m.	Rec Center Conf Rm, MU
March 16, 2011	9:30 – 11:00 a.m.	Rec Center Conf Rm, MU
April 20, 2011	9:30 – 11:00 a.m.	Rec Center Conf Rm, MU

NOTE: Senators who must be absent from a Staff Senate meeting are to send a substitute. Any regular broadbanded employee who is not a senator may be a substitute and will have all the rights and privileges as a Staff Senator at that meeting. Substitutes, please sign in on the attendance sheet listing by the Staff Senator's name for whom you are substituting. Please notify Membership/Attendance Officer Heather Heger prior to the meeting (231-8293 or heather.heger@ndsu.edu).

All broadbanded staff members are encouraged to attend.

Call to order

Kris Mickelson called meeting to order at 9:34 a.m.

I. **Campus Kudos**

Campus Kudos were presented to:

- Brent Goosen
- Gold Star Marching Band
- NDSU Student Government

II. **Consent agenda – MOTION:** (Miller/Watson) to approve consent agenda. **MOTION CARRIED.** No discussion.

Policy 134 - Faculty/Staff Assistance

Policy 135 - Family Medical Leave – Uncompensated

Policy 137 - Holidays

Policy 406 - Surplus Property

Policy 608 - Suicide Threat Response

Policy 703 - Bison Card Terms and Conditions

Policy 712.1 - Legal Representation

Policy 813 - Facilities and Administrative Costs

III. **Approval of Meeting Agenda**

MOTION: (Olson/Chaussee) to accept agenda as changed. **MOTION CARRIED.**

IV. **Quorum, substitutions and guests** – Heather Heger

Substitutions:

Cindy Lura for Lorna Olsen

Tammy Helweg for Megan Paradis

Absent:

Vince Anderson

Jennifer Beam

Glenn Christensen

Cole Davidson

Will Ferguson

Chad Lindberg

Austen Germolus

Stephanie O'Brien

Kelly Summers

Present: 50

Absent: 9

V. **Program** – Elizabeth Worth and Flo Johnson, Pathways Program

Elizabeth Worth is the Admissions Counselor and also the NDSU Contact. Flo Johnson is the Pathway Coordinator. The Pathway Program was designed to help students who would not normally be accepted into a four-year university get prepared and be able to build the necessary skills to be accepted at a later time.

VI. **Student Government Report**

Kevin Black discussed the legislative session and the input from the student government.

Student government is soliciting ideas for capital projects that can benefit the entire University that cost between \$500 and \$20,000. They have some funds available and would like them used toward capital projects.

VII. Faculty Senate Report – Gary Totten

They are currently working on bylaws for the Faculty Senate. They hope to be finalized soon.

VIII. Approval of the January 5, 2011 minutes MOTION: (Clarín/Pierce) to approve the Minutes.
MOTION CARRIED.

IX. Treasurer's Report –Kathy Backen-Andersen

Appropriated Fund – \$529.74

Agency Fund - \$1,416.89

Local Fund - \$10,446.08

X. Advisor Comments – Colette Erickson

No comments.

XI. Gunkelman Award – Nancy Mueller

We have been asked by two vice presidents to take over the Gunkelman Award. It was an endowment award created in 1987. Purpose of it is to nominate someone who makes the student's smile. There are around 30 and 40 nominations each year. There is a ceremony each year for the Gunkelman Award winner. Ceremony date is April 21, 2011 at 3:00 p.m.

MOTION: (Dallmann/Jorgenson) that Staff Senate take on the responsibility of the Gunkelman Award, creating a new volunteer committee and add it to the bylaws. **MOTION CARRIED.**

Volunteers for the Gunkelman Award committee:

Paula Schneider

Jean Hagen

Vicki Miller

Rita Prunty

Anna Shepperd

XII. Reports of the Committees

A. Executive – Kris Mickelson

Executive Committee will be meeting on Friday, February 2, 2011 to take another look at the SWOT and the priorities. Prakash has sent a request out to take a survey on graduating students, please take the time to answer that survey request.

B. NDUS Staff Senate – Kathy Backen-Andersen – The State Staff Senate has decided to try for a non-voting seat on the board of education.

C. Standing

1. **Bylaws** – Vince Anderson – no report

2. **Election** – Vance Olson – This year we have 43 seats to fill in on staff senate. E-mails will be coming out with dates and deadlines for the elections.

4. **Program** – Victoria Miller – no report

5. **Public Relations** – Deb Haney/Marilyn Dowdy – Messenger is going green. We will send hard copies to some departments that do not have easy access to the internet. We are also working on filling the last two frames in the Memorial Union main floor hallway.

6. **Scholarship** – Stephanie O'Brien/Connie Eggers – Committee has met and is working on details of scholarship awards.

7. **Staff Development** – Jodi Pierce/Paula Schneider – 150 staff members have registered for Discover U so far. Please remind departments to register if they have not registered already.

8. **Staff Recognition** – Jan Lofberg – We currently have just three members. Put a message for Staff Senate election nominations in It's Happening at State.

9. **Valentine Ball** – Vicki Miller – Invited everyone to get their tickets if they haven't gotten their tickets yet.

D. Valentine Ball – Vicki Miller – Invited everyone to get their tickets if they haven't gotten their tickets yet.

E. President's Cabinet – Vance Olson

- Survey on retention from Prakash Matthew was already mentioned; please take it if you haven't yet.
- The Scholarships from the Valentine's Ball go to the student's as another form of retention.

- Please keep the University Relations department in the loop on all information that goes out to the community.
- NDUS should be referred to the State System Office or just the System Office.
- Defense Secretary, Robert Gates, will be at the Spring Commencement Ceremony.
- Performance audits will be conducted on local funds.

XIII. New Business

A. Informational Demonstration - Single User ID system and claiming user ID's

John Underwood gave a demonstration on how to capture your system single sign-on. It was designed to create a single sign-on across the different systems HRMS, Campus Solutions and Financial. This single user-id will go into place on February 12, 2011. URL to claim your single user identifier is <http://claim.ndus.edu>.

- B.** Ad hoc Committee Policy 133 Report – The committee is considering travel time to and from classes when some of the classes are downtown. It should provide clarification of the tuition waiver form. They are also asking for input from other departments that have written policies.
- C.** Staff Senate needs a volunteer from the 4000 band to work on the Staff Recognition Committee. Jeri Vaudrin volunteered and is added to Staff Recognition Committee.

XIV. Announcements

None.

XV. Adjourn

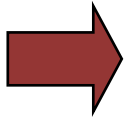
Meeting adjourned at 11:10 a.m.

Scheduled meetings:

- *Executive Committee: Wednesday, February 16, 9:30-11:00, MU, Rec Center Conf Room*
- *Staff Senate: Wednesday, March 2, 9:30-11:00, MU, Great Room*

Policy Change Cover Sheet

This form must be attached to each policy presented. All areas in **red**, including the header, must be completed, if not it will be sent back to you for completion.



If the changes you are requesting include housekeeping, please submit those changes to Kim Matzke-Ternes first so that a clean policy can be presented to the committees.

SECTION: *Policy 134: Faculty/Staff Assistance*

1. Effect of policy addition or change (explain the important changes in the policy or effect of this policy. Briefly describe the changes that are being made to the policy and the reasoning behind the requested change(s).

This change in language was written by the Director of The Village Employee Assistance Program, Darin Tonsfeldt. These changes reflect the inclusive environment of the NDSU community as well as the rules for determining counseling service availability used by The Village.

2. This policy was originated by (individual, office or committee/organization):

- *Office of Human Resources/Payroll – December 29, 2010*
- *Brittnee.steckler@ndsu.edu*

3. This policy has been reviewed/passed by the following (include dates of official action):

This portion will be complete by Kim Matzke-Ternes

Policy

Committee: 01/26/2011 presented to the PCC;

Faculty

Senate: 01/31/2011 routed for info v2

Staff Senate:

01/31/2011 routed for info v2

President's

Council: 01/31/2011 routed for info v2

If you have any questions regarding this cover sheet, please contact Kim Matzke-Ternes at 1-7080 or kim.matzke-ternes@ndsu.edu

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SECTION 134: FACULTY/STAFF ASSISTANCE

SOURCE: NDSU President

North Dakota State University recognizes that a wide range of personal problems may affect employees' work performance. Such problems typically relate to family, finances, marriage, legal matters, career decisions, personal concerns, and alcohol/drug abuse. In many instances the individual handles such personal problems independently and the effect on job performance is negligible. In other cases, normal supervisory assistance serves as either motivation or guidance in resolving the problem so that the employee's performance on the job will return to an acceptable level. However, normal supervisory efforts are not always sufficient to correct unsatisfactory job performance.

The Faculty/Staff Assistance Program (FSAP) of North Dakota State University is designed to assist faculty, staff, and their families with personal problems that impair job performance. This program provides problem assessment and short-term counseling (four sessions per ~~family~~ household member per fiscal year) and referral to community resources when deemed appropriate.

The Faculty/Staff Assistance Program of NDSU is provided by The Village Family Service Center. The Village has offices throughout North Dakota and Minnesota, and affiliate providers across the nation.

1. Confidentiality

1.1

All help will be provided in complete confidence between the FSAP professional and the faculty, staff, or family member receiving assistance. All records are maintained by the FSAP provider. They will not be released without the expressed, written consent of the employee. Any record released to NDSU by the employee will not become part of the faculty or staff member's official personnel file.

2. Eligibility

2.1

Regular, benefited faculty and staff and their ~~immediate family household~~ members are eligible to use the program. ~~Immediate family Household member~~ -is defined for this policy to be the spouse/partner and/or children living in the same ~~household~~ legal residence as the employee. Dependent children living outside the home (i.e. college students) will be given consideration for program services. Children under age 18 will be provided an initial assessment ~~by phone~~, however, will be required, unless an emergency or crisis situation, to have parental permission to receive program services beyond the initial ~~phone~~-contact.

3. Referral Procedures

3.1

Supervisory Referrals

3.1.1

The supervisor is in the best position to observe the employee's job performance. It is the supervisor who observes behavioral changes through such objective measures as poor attendance, reduced productivity, and increased errors or accidents on the job. Often these problems can be handled by the supervisor working directly with the employee. However, if the resolution of the problem is beyond the resources of the supervisor, the supervisor may inform the employee that his/her work performance had declined and suggest that he/she take advantage of the assistance offered through the FSAP. Since diagnosis of the problem is not the responsibility of the supervisor, the supervisor is encouraged to make the appropriate referral after observing work performance. After the referral is made and the employee does not participate in FSAP or the work performance does not improve, the supervisor may take normal corrective or disciplinary action and bring the matter to the attention of the next supervisory level.

3.1.2

A comprehensive orientation program will be available to supervisors to enable them to better recognize behavior changes and to initiate referral.

3.2

Self Referrals

3.2.1

The faculty or staff member may decide to ask the immediate supervisor for help in efforts to seek assistance. In this case the supervisor is expected to help the employee find assistance.

3.2.2

The faculty or staff member may seek help on his/her own directly from a FSAP professional. No contact with NDSU will be made by the FSAP professional.

3.2.3

When appropriate, sick leave may be granted for treatment or rehabilitation on the same basis as for all other health problems. Annual leave or leave without pay may also be considered for use when necessary.

4. **Services**

Any NDSU faculty, staff, or family member may arrange service.

4.1

Appointments may be made by calling the FSAP provider office at 1-800-627-8220. Arrangements will be made for the faculty, staff or ~~family~~ household member to see a counselor in Fargo or other available locations in North Dakota.

4.2

A counselor is available 24 hours a day, seven days a week, to address any emergency or crisis situation by calling 1-800-627-8220.

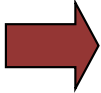
5. **Cost**

5.1

The cost for assessment, short-term counseling and referral is covered by NDSU. If costs are incurred for other services not covered by this problem or other benefits, those costs will be the responsibility of the faculty or staff member.

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SECTION: *Policy 135: Family Medical Leave - uncompensated*

1. Effect of policy addition or change (explain the important changes in the policy or effect of this policy. Briefly describe the changes that are being made to the policy and the reasoning behind the requested change(s).
 - *Adding in the additional qualified reasons for using family medical leave due to updates in the law. Language is taken directly from the Department of Labor, Wage & Hour Division fact sheets of Family Medical Leave.*
 - <http://www.dol.gov/whd/regs/compliance/whdfs28a.pdf>

2. This policy was originated by (individual, office or committee/organization):

- *Office of Human Resources/Payroll – May 6, 2010*
- *Brittnee.steckler@ndsu.edu*

3. This policy has been reviewed/passed by the following (include dates of official action):

This portion will be complete by Kim Matzke-Ternes

Policy Introduced to PCC 05/12/2010; V2 routed for information with updated cover sheet 09/22/10 presented to PCC as carryover; 10/13/10 presented as Carryover: 01/26/2011 v 3 brought to the PCC

Faculty Senate: 05/21/2010 routed V2 for Information; 01/31/2011 routed for info

Staff Senate: 05/21/2010 routed V2 for Information; 01/31/2011 routed for info

President's Council: 05/21/2010 routed V2 for Information; 01/31/2011 routed for info

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SECTION 135: FAMILY MEDICAL LEAVE - UNCOMPENSATED

SOURCE: NDUS Human Resource Policy Manual, Section 22,
NDSU President

1. Family leave is an unpaid leave of absence available to all eligible employees for the birth, adoption, or foster placement of a child; ~~or for the serious health condition of the employee, the employee's parent, child or spouse;~~ for qualifying exigencies arising out of the fact that the employee's spouse, son, daughter or parent is on active duty, or has been notified of an impending call or order to active duty, in support of a contingency operation; or to care for military caregiver leave for a covered service member who is recovering from a serious illness or injury sustained in the line of duty on active duty that is a spouse, son, daughter, parent or next of kin (This entitles the employee to up to 26 weeks of leave in a single 12 month period). Consistent with applicable law and upon notice to the employee by the employing entity or election by the employee, family leave may be concurrent with paid sick or annual leave.

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1.1

Eligible employees are those individuals employed by NDSU for at least twelve months, and who have worked at least one thousand two hundred fifty hours over the previous twelve months.

Under the terms of the ~~statute~~ Family Medical Leave Act of 1993 (29 U.S.C. 2611), qualifying exigency leave is available to a family member of a military member in the National Guard or Reserves; it does not extend to family members of military members in the Regular Armed Forces. however, it does not extend to family members of regular active-duty servicemembers. "Qualifying exigencies" include such instances as: short-notice deployment; military events and related activities; certain childcare and related activities resulting from active duty or call to active duty; making or updating financial and legal arrangements to address a covered military member's absence; short-term, rest and recuperation leave during deployment; or attending to certain post-deployment activities.

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A covered service member is a current member of the Armed Forces, including a member of the National Guard or Reserves, who is undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness; or is a veteran who is undergoing medical treatment, recuperation, or therapy, for a serious illness and who was a member of the Armed Forces (including a member of the National Guard or Reserves) at any time during the period of five years preceding the date the veteran undergoes that medical treatment, recuperation or therapy. A serious injury or illness is one that was incurred by a service member in the line of duty on active duty that may render the service member medically unfit to perform the duties of his or her office, grade, rank, or rating.

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The "single 12-month period" for leave to care for a covered service member with a serious injury or illness begins on the first day the employee takes leave for this reason and ends 12

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months later, regardless of the 12 month period established by the employer for other types of FMLA leave. An eligible employee is limited to a **combined** total of 26 workweeks of leave for any FMLA-qualifying reason during the "single 12-month period." (Only 12 of the 26 weeks total may be for a FMLA-qualifying reason other than to care for a covered service member.)

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1.2

Family leave used for the birth, adoption, or foster care placement of a child must conclude within 12 months of the event.

1.3

Medical certification may be required by NDSU to verify the existence of a serious health condition including date of commencement and probable duration of illness. *If medical certification is requested it must be returned to NDSU within 15 days of the request unless it is not practical under the circumstances to do so despite diligent good faith efforts. If medical certification is not provided in a timely manner, NDSU may deny Family Medical Leave of Absence (FMLOA) until the certification has been provided.*

1.4

The maximum length of *total uncompensated* Family Medical Leave for eligible *full time* employees is twelve weeks within a 12-month period that begins with the first day of leave (26 weeks in a single 12 month period for the care of a covered service member).

Leave for eligible part time employees is based on pro rata by comparing the new schedule with the employee's normal schedule. Leave for birth or adoption of a child may be taken intermittently if approved by the employing entity; leave because of the serious health condition of the employee, a parent, child or spouse may be taken intermittently if medically necessary. A married couple is not limited to a total of twelve weeks if both are employed by the state; each is entitled to twelve weeks. Reasonable and practical notice must be provided to the agency.

1.5

If NDSU has questions regarding a health care provider's certification, a second opinion may be required at NDSU's expense.

1.6

While on FMLOA leave, a status report regarding intent to return to work upon conclusion of the leave must be given to the manager or supervisor.

1.7

While on FMLOA, holidays are uncompensated unless the employee works the day before and the day after the holiday.

1.8

If the FMLOA is due to an employee's serious health condition which makes them unable to perform their job, NDSU requires certification from the health care provider that she/he is able to return to work. The beginning of an employee's FMLOA and returning from an employee's FMLOA leave are considered a "change in family status" for flex plan purposes. A 30-day window from the date of the change is allowed to change election on an employee's flex plan.

1.9

When leave is completed, the employee must be returned to the same position, or a position with equivalent compensation and benefits. If a reduction in force would have caused the position to be eliminated, this reinstatement does not apply.

1.10

Employees utilizing family leave will be provided health benefits at the same level and as if the employee had not taken leave.

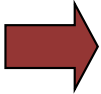
1.11

Contact the Office of HR/Payroll to request family medical leave paperwork. Once completed, return paperwork to Office of HR/Payroll for processing. After eligibility is determined, notice will be sent to employee and supervisor.

HISTORY: January 1990; Amended September 1993, March 1996; July 1997, March 2004, January 2006, March 2008

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SECTION: *Section 137: Holidays*

1. Effect of policy addition or change (explain the important changes in the policy or effect of this policy. Briefly describe the changes that are being made to the policy and the reasoning behind the requested change(s).
 - *The Board Office amended this policy to add language defining a holiday as an eight hour day (for a full-time employee) for the purpose of calculating entitlement to extra pay for employees required to work on a holiday.*

2. This policy was originated by (individual, office or committee/organization):

- *Office of Human Resources/Payroll*
- *Colette.erickson@ndsu.edu*

3. This policy has been reviewed/passed by the following (include dates of official action):

This portion will be complete by Kim Matzke-Ternes
Policy 1/26/11 presented to the PCC
Committee:

Faculty Senate: 01/31/2011 routed v1 for info

Staff Senate: 01/31/2011 routed v1 for info

President's Council: 01/31/2011 routed v1 for info

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SECTION 137: HOLIDAYS

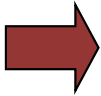
SOURCE: SBHE Human Resource Policy Manual, Section 19

1. The University shall observe the following legal holidays:
 - o New Year's Day
 - o Martin Luther King, Jr.
 - o President's Day
 - o Good Friday
 - o Memorial Day
 - o Independence Day
 - o Labor Day
 - o Veteran's Day
 - o Thanksgiving Day
 - o Christmas Day
- 1.1 Employees of state institutions of higher learning shall also observe every day appointed by the President of the United States or by the Governor of this state as a public holiday.
- 1.2 If such holiday falls on Saturday, the preceding Friday shall be observed as the holiday; or if the holiday falls on Sunday, the following Monday shall be the holiday.
- 1.3 University offices must be closed at 12-noon on December 24, Christmas Eve Day, which is an office closure and not a holiday; however, if December 25, Christmas Day, falls on a Saturday, institution offices must be closed all day on the preceding Friday, which is then a holiday as indicated by SBHE Section 19.2.
2. *In order to receive pay for a holiday, an employee must be in a paid work status (either working or on paid leave) both the day preceding, and the day following the holiday (see policy 212.1.1 on work week definition).*
3. Operational units of the University shall close or operate with a minimum staff on observed holidays. Employees who because of work schedules have a regular day off that coincides with a holiday shall have an additional day off with pay at the convenience of the University.
4. Special religious holidays may be observed with the advance approval of the department head. Such time shall be charged to accumulated annual leave.
5. [A holiday is an eight hour day for a full-time employee and a prorated part of an eight hour day for employees who work less than full time.](#)

HISTORY: July 1990; Amended April 1992; December 1996; July 1997; January 2006

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SECTION: *Section 406 Surplus Property*

1. Effect of policy addition or change (explain the important changes in the policy or effect of this policy. Briefly describe the changes that are being made to the policy and the reasoning behind the requested change(s).

Addition of language requested by the State Auditor's Office to implement the appropriate policies and procedures governing the use of funds received from the sale of surplus property.

2. This policy was originated by (individual, office or committee/organization):

Stacey Winter, Director of Purchasing

3. This policy has been reviewed/passed by the following (include dates of official action):

This portion will be complete by Kim Matzke-Ternes

Policy

Committee: Presented to PCC 12/08/10 and carried over for language clarification in Section 2; language clarified and routed for information 1/26/11;

Faculty

Senate: 01/31/2011 routed for info

Staff Senate: 01/31/11 routed for info

President's 01/31/11 routed for info

Council:

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NDSU

SECTION 406: SURPLUS PROPERTY

SOURCE: NDSU President

1. All property that becomes "excess" or "surplus" to the needs of a department shall be reported to the Purchasing Department. Except for surplus property where there are federal funds involved and federal regulations prohibit, this policy will be followed.
 - Neither University employees, nor anyone else, will be allowed to obtain personal possession of scrap, even if discarded, unless such property is handled as surplus property.
 - Non-University property, for example, property of students that is scrapped or discarded by students, while not technically surplus property will be handled pursuant to the surplus property rules if an NDSU employee wants to obtain such property.
2. Reporting of surplus property is done through the completion of a Facilities Management "Work Request" form (obtained from Facilities Management) submitted to the Purchasing Department. Appropriate inventory documents are to be submitted with the "Work Request" form.
 - Upon receipt of notification, the item will be catalogued for inclusion in a surplus property bulletin which will be distributed periodically to all the departments.
 - The distribution of University surplus property will be at the discretion of the Purchasing Department. Generally distribution is based on budgetary considerations and need.
 - The surplus item may be transferred to another department of the University without cost or at fair market value to that department.
 - If not disposed of under above procedures, the item will be disposed of under N.D.C.C. 54-44-04.6 and N.D. Office of Management and Budget requirements.
 - Surplus property items will be sold on a regular basis on campus pursuant to Purchasing Department procedures. Items sold at surplus property sales are sold as is and without warranty of any kind, express or implied, including warranties of merchantability or fitness for a particular purpose. Items may have a minimum bid price. Bid forms will be available at time of inspection. Terms of sale are cash/check upon pickup of items.

- The funds obtained from the NDSU Surplus Sales will be used for the following types of payments/costs:
- Electronic waste disposal:
Discarded, surplus, obsolete or broken NDSU electronic devices
- Mail sorting and delivery and annual post office box fees for NDSU:
Service previously provided by USPS prior to the closing of the University Station Post Office; service is now provided by a contracted NDSU vendor
- Monthly surplus sales:
Sale advertisements, office supplies, etc. associated with coordination of monthly surplus sales
- NDSU vendor contract implementation and maintenance:
Costs associated with implementing and maintaining vendor contracts available for use by all NDSU departments. Contracts are made available from sources such as buying groups, ND State Procurement Office and the Office of Management and Budget (OMB). Vendors include, but are not limited to, VWR (lab supplies), Steelcase (furniture), Grainger (industrial supplies), OfficeMax (office supplies), Dell (computers), and Fed Ex (shipping.)
- ~~Disposal of NDSU's Electronic Waste~~
- ~~Payment for Sorting and delivery serve from the contracted NDSU vendor and Payment for annual USPS Post Office Box fees for NDSU.~~
- ~~Payment for cost associated with the surplus sales.~~
- ~~Payment for costs associated with the implementation and maintenance of the vendor contracts for all NDSU departments.~~
- ~~Normal operating and overhead cost associated with activities that fall under Purchasing oversight to include but not limited to contract coordination, and purchase of supplies and small equipment.~~

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2. 3. Purchasing will coordinate and request approval to trade-in, dispose of, or sell excess and surplus property from appropriate OMB personnel in accordance with Century Code requirements.

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3. 4. Refer to the Grant and Contract Accounting section for procedures on property purchased with federal funds.

4. 5. It is the policy of the State of North Dakota that disposition of state surplus property be accomplished in such a manner as to prevent material benefit to any employee by virtue of their employment.

HISTORY: July 1990; Amended April 1992; January 1997; November 1999, October 2007

Policy Change Cover Sheet

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SECTION: *703: BISON CARD TERMS AND CONDITIONS*

1. Effect of policy addition or change (explain the important changes in the policy or effect of this policy. Briefly describe the changes that are being made to the policy and the reasoning behind the requested change(s).

Adds language regarding the proper disposition of credit balances on Bison Bucks accounts after the student leaves the University, either by graduating or withdrawing.

2. This policy was originated by (individual, office or committee/organization):

General Counsel

3. This policy has been reviewed/passed by the following (include dates of official action):

This portion will be complete by Kim Matzke-Ternes

Policy

Committee: 11/10/10 – presented to PCC; 01/26/2011 V3 presented to PCC

Faculty [01/31/2011 routed for info](#)

Senate:

Staff Senate: [01/31/2011 routed for info](#)

President's [01/31/2011 routed for info](#)

Council:

If you have any questions regarding this cover sheet, please contact Kim Matzke-Ternes at 1-7080 or kim.matzke-ternes@ndsu.edu

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SECTION 703: BISON CARD TERMS AND CONDITIONS

SOURCE: NDSU President

A. BISON CARD. The NDSU Bison Card is the official North Dakota State University identification card. All faculty, staff and students are required to have a Bison Card for identification, security, and access to University buildings and services. The card must be carried at all times while on the NDSU campus. Cardholder must present card for identification if requested by a University official. The card is valuable and should be treated like cash, a credit card or a key. See Policy 707 for policies on card/key access.

North Dakota State University issues an all-campus card subject to the following terms and conditions:

1. To obtain a Bison Card, an individual must first be assigned a university generated identification number.
2. The Bison Card is intended for campus use only and must be returned upon request.
3. The Bison Card is non-transferable and will be confiscated and returned to the Bison Card Center if found in the possession of another person.
4. The Bison Card must be presented upon any request for campus services.
5. The cardholder will not damage or alter the card in any manner. This includes, but is not limited to, punching holes in or affixing unapproved stickers to the card.
6. The Bison Card, transactions and activities related to the use of the card, and any account balances are the sole responsibility of the individual cardholder.
7. IMMEDIATELY report lost, found, or stolen cards to the NDSU University Police (701-231-8998).
8. A replacement Bison Card can be obtained at the Bison Card Center (Memorial Union). A photo ID is required at the time of replacement.
9. The Bison Card is valid for as long as the person retains their student, faculty or staff status at NDSU.
10. A fee is charged for all new cards and a replacement fee is charged for any lost, stolen or invalid card. The first card for all faculty and staff will be charged to his/her department. Billing information is required at the time of the card production. Lost, stolen or invalid cards will be the responsibility of the employee.
11. Associate Status for any individual/group must have prior approval by the NDSU President or Vice President for Student Affairs. Associate Status is granted to groups or individuals who may work on campus, but are not students or staff or the University.

11.1 Associate Status does not guarantee access to all NDSU activities, events, and facilities.

12. The Card Department Director, Campus Police or Facilities Management may revoke a Bison Card if it is determined that abuse of the privileges associated with the Bison Card has occurred. Students who misuse their Bison Cards may also be referred to the Dean of Student Life Office for possible disciplinary actions. Faculty or staff misuse will be reported to the faculty or staff members' supervisor.

B. BISON BUCKS ACCOUNT. Bison Bucks is a debit card service that is linked to the NDSU Bison Card. This benefit is free to ALL students, faculty and staff. There are NO hidden charges, expenses or interest.

1. A \$5 minimum is required for opening a Bison Buck account and for additional deposits.
2. No minimum balance must be maintained.
3. Cash refunds are not given for any Bison Bucks purchases at any participating merchants. Credit is returned to the Bison Bucks account.

4. Bison Bucks balances carry over from semester to semester. Refunds on any balance above \$15 at the end of the academic year are available by submitting a Dining Services Refund Form on or before June 30th. Refunds on any balance above \$15 during the academic year will be given upon graduation or official withdrawal from the University if requested by the customer. For balances below \$15, the customer is required to spend out this amount.

4.5 For those students who are graduating or withdrawing from the University, and who also have a balance on their Bison Bucks accounts, the University will forward the balance to the student's last known address in the form of a check.

5.1 If the check is returned, the University shall hold on to retain it for safekeeping for three years. Attempts are periodically made to contact the student until the time the check is written off and the money is turned over to the state abandoned property office.

5.2 Checks that are neither returned nor cashed for more than two years after becoming payable are presumed abandoned (N.D.C.C. § 47-30.1-02.1).

5.3 Uncashed NDSU checks are accounted for as outstanding checks until they are written off.

5.4 When uncashed NDSU checks are written off, they are temporarily placed in a local NDSU fund for old outstanding checks. On November 1st of each year, NDSU submits the outstanding check funds with the required reports to the state abandoned property office. Separate unclaimed property reports are required for over \$50, versus \$50 and under.

Comment [DM1]: NDCC 47-30.1-02.1 regarding uncashed checks states:

"Except as provided in sections 47-30.1-04 and 47-30.1-05, any checks held, issued, or owing in the ordinary course of the holder's business which remain uncashed by the owner for more than two years after becoming payable are presumed abandoned."

NDCC 47-30.1-04 pertains to traveler's checks and money orders. Traveler's checks are presumed abandoned after 15 years; money orders are presumed abandoned after 7 years.

NDCC 47-30.1-05 pertains to checks and drafts issued and certified by banking institutions. This includes cashier's checks and certified checks, which are presumed abandoned after 3 years.

5.5 Per N.D.C.C. § 47-30.1-03, any intangible property (which includes, but is not limited to, moneys, checks and credit balances), that is unclaimed for more than three years becomes abandoned property and is then reported and handed over to the administrator of the state abandoned property office, who is then responsible for the safekeeping and final disposition of the abandoned property.

~~5.6.~~A \$15 fee will be imposed for accounts that are inactive for more than one year from the date of the last transaction.

~~6.7.~~Customers with checks returned for insufficient funds will have accounts frozen until payment is received.

~~7.8.~~Funds are non-transferable.

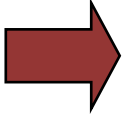
~~8.9.~~IMMEDIATELY report lost or stolen cards to the NDSU University Police (701-231-8998). Once the card has been reported lost, the cardholder is not responsible for any additional purchases. Per federal regulations, the cardholder is responsible for up to \$50 if the lost or stolen card is reported within two business days. If the lost or stolen card is not reported within two business days, the cardholder can be liable up to \$500 or the total account balance, whichever is lower.

Privacy Statement: Through the Family Educational Rights and Privacy Act, also known as FERPA or the Buckley Amendment, data collected on the use of University facilities and services by an individual cardholder will only be used for University purposes within FERPA guidelines. Information regarding a cardholder's account will not be provided to third parties unless required by applicable laws or within written permission of the cardholder.

HISTORY: April 1998; May 2005, October 2007

Policy Change Cover Sheet

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SECTION: *712.1: Legal Representation*

1. Effect of policy addition or change (explain the important changes in the policy or effect of this policy. Briefly describe the changes that are being made to the policy and the reasoning behind the requested change(s).

Implements State Board Policy and State law for the appointment of outside attorneys representing NDSU, as delineated by SBHE 607.1.

2. This policy was originated by (individual, office or committee/organization):

General Counsel

Rick.johnson@ndsu.edu

3. This policy has been reviewed/passed by the following (include dates of official action):

This portion will be complete by Kim Matzke-Ternes

Policy Presented to PCC 03/11/2010; 09/22/10 presented to PCC as carryover; 10/13/10
Committee: presented to PCC as carryover; 11/10/10 PCC to as CO; 01/26/11 V4 presented to PCC; 01/26/2011 GC made revisions to the cover sheet – resaved as Version 5 and will route to FS for info.
Faculty Senate: Routed V2 04/28/10; routed V3; 01/12/11 Faculty Senate will review V4; 01/31/2011 V5 routed for info
Staff Senate: Routed V2 04/28/10; routed V3 06/02/10 approved; 01/31/2011 V5 routed for info

President's Council: Routed V2 04/28/10; routed V3; 01/31/2011 V5 routed for info

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SECTION 712.1: Legal Representation

SOURCE: SBHE Policy Manual Sections: 607.1

Any attorney representing the University must have an appointment as a Special Assistant Attorney General. All requests for legal representation shall be approved and coordinated through the NDSU General Counsel's Office. There must be a contract for legal representation approved by the General Counsel. Any payment for legal fees must be approved first by the General Counsel.

Request for SAAG appointments come from the General Counsel and go through the President, SBHE Chancellor's office, and then to the Attorney General. Most appointments are for specific cases or situations, but some are for general topic areas, like contracts or personnel issues. Attorneys are selected based on their experience, expertise, past performance, among other factors, and after discussion with appropriate University officials.

Further information on legal representation can be found at:

[N.D.C.C. § 32-12.2-03](#), regarding the personal liability and defense of employees;

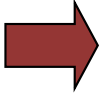
[N.D.C.C. § 54-12-08](#), regarding assistant and special assistant attorneys general; and

North Dakota Attorney General brochure: "[Liability of State Employees](#)."

HISTORY:

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SECTION: SECTION 813: FACILITIES and ADMINISTRATIVE COSTS

1. Effect of policy addition or change (explain the important changes in the policy or effect of this policy. Briefly describe the changes that are being made to the policy and the reasoning behind the requested change(s).

1.2 Section added.....change numbering down the line.

Rates and dates changed in the indirect cost table

Large section added after the indirect cost table

Changes in wording in paragraphs 4 and 6

2. This policy was originated by (individual, office or committee/organization):

Grant and Contract Accounting, 12/17/2010

Joann.swanson@ndsu.edu

3. This policy has been reviewed/passed by the following (include dates of official action):

This portion will be complete by Kim Matzke-Ternes

Policy

Committee: Presented 01/26/2011

Faculty

Senate: 01/31/2011 routed v1 for info

Staff Senate:

01/31/2011 routed v1 for info

President's

Council: 01/31/2011 routed v1 for info

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SECTION 813: FACILITIES and ADMINISTRATIVE COSTS

SOURCE: NDSU President

1. The University has established indirect cost rates with the cognizant federal audit agency. The rate charged to a sponsored agreement depends upon the function of the work performed. Before deciding which rate applies to each program, carefully review the definitions of research, instruction, and other sponsored activity as defined below.

1.1

ORGANIZED RESEARCH. Organized Research means the critical and exhaustive investigation or experimentation having for its aim the discovery of new facts and their correct interpretation; the revision of accepted conclusions, theories, or laws, in light of newly discovered facts; or the practical applications of such new or revised conclusions. This category includes all activities specifically organized to produce research outcomes, whether commissioned by an external agency or separately budgeted by the institution. It also includes activities involving the training of individuals in research techniques.

1.2

ORGANIZED RESEARCH-CNSE. This category is for organized research to be carried out at the NDSU Center for Nanoscale Science and Engineering.

1.23

INSTRUCTION. Instruction means the teaching and training activities of an institution. Except for research training, this term includes all teaching and training activities, whether they are offered for credits toward a degree or certificate or on a non-credit basis, and whether they are offered through a regular academic session, summer school division, an extension division, or a continuing education division.

1.34

OTHER SPONSORED ACTIVITY. Other sponsored activities means programs and projects financed by federal and non-federal agencies and organizations which involve the performance of work other than instruction and organized research. Examples of such programs and projects are health service projects, and community service programs.

2. The current approved indirect cost rates are as follows:

FROM	TO	RATE	LOCATIONS	APPLICABLE TO
7/1/04 7/1/10	6/30/03 6/30/05	41.5% 43.50%	On-campus	Organized Research
7/1/04 7/1/11	6/30/05 6/30/13	26.0% 44.50%	Off On-campus	Organized Research
7/1/05 7/1/13	6/30/07 6/30/14	42.5% 45.00%	On-campus	Organized Research
7/1/05 7/1/10	6/30/07 6/30/14	26.0%	Off-campus	Organized Research

<u>7/1/04</u> <u>7/1/10</u>	<u>6/30/07</u> <u>6/30/14</u>	<u>49.4%</u> <u>35.00%</u>	On-campus	<u>Instruction</u> <u>OR - CNSE</u>
<u>7/1/04</u> <u>7/1/10</u>	<u>6/30/07</u> <u>6/30/14</u>	<u>26.0%</u> <u>19.30%</u>	Off-campus	<u>Instruction</u> <u>OR - CNSE</u>
<u>7/1/04</u> <u>7/1/10</u>	<u>6/30/07</u> <u>6/30/14</u>	<u>20.3%</u> <u>53.20%</u>	On-campus	<u>Other Sponsored Activity</u> <u>Instruction</u>
<u>7/1/04</u> <u>7/1/10</u>	<u>6/30/07</u> <u>6/30/14</u>	<u>16.4%</u> <u>26.00%</u>	Off-campus	<u>Other Sponsored Activity</u> <u>Instruction</u>
<u>7/1/10</u>	<u>6/30/14</u>	<u>38.10%</u>	<u>On-campus</u>	<u>Other Spon.Activ.</u>
<u>7/1/10</u>	<u>6/30/14</u>	<u>20.30%</u>	<u>Off-campus</u>	<u>Other Spon.Activ.</u>

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3. Indirect cost is calculated as follows:

Indirect Cost = (Total Direct Cost minus Equipment in excess of \$5,000 minus Subcontract Payments Exceeding \$25,000.) x Rate above. Indirect Cost = Modified Total Direct Cost x Rate from the above table.

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Modified Total Direct Cost consists of all salaries and wages, fringe benefits, materials, supplies, services, travel and subgrants and subcontracts up to the first \$25,000 of each subgrant or subcontract (regardless of the period covered by the subgrant or subcontract).

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Modified Total Direct Costs shall exclude equipment, capital expenditures, charges for patient care, student tuition remission, rental costs of off-site facilities, scholarships, and fellowships as well as the portion of each subgrant and subcontract in excess of \$25,000.

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4. In most cases the activities of the University will be considered to be on-campus activities. Off-campus rates for indirect cost will be used only if the project will be conducted in a remote location for an extended period of time. A project that would qualify for off-campus rates would be one that would not be using University facilities for any of the work performed, including the administration of the project.

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6.4. If the indirect cost rate assigned to a particular project is scheduled to change during the life of the project, the budget indirect cost rate should include that change in rate when the proposal is submitted. The base should be split in proportion to the number of months that each rate is in effect. This applies to all agencies allowing for indirect cost remain at the rate of the initially funded budget period.

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7.5. Unless specifically prohibited by the Sponsoring Agency, the inclusion of indirect costs is required in every grant and contract budget. If a proposal is submitted without the inclusion of indirect cost, the Office of Sponsored Programs Administration reserves the right to renegotiate the agreement for the inclusion of indirect cost, either by an increase

in the award amount or by reallocating the award amount to cover both direct and indirect costs.

~~8.6.~~ INDIRECT COST ALLOCATIONS. In order to provide an additional incentive for faculty and staff participation in sponsored activities at NDSU, it ~~shall be~~ the University's policy to directly support such activity with a portion of the indirect cost payments received by the University under all sponsored agreements.

~~Allocation of the indirect cost collected by the University will be completed at the end of each fiscal year. Final calculations and allocations should be received no later than August 31st of any given year.~~

~~6.1~~

Of the indirect costs ~~drawn~~, 42.0% will be allocated back to the generating colleges or units; 16% will be allocated back to ~~Research Administration~~ the Vice-President for Research, Creative Activities and Technology Transfer; and 42.0% to the Office of the President.

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